

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES GARLAND DEAN,

Defendant.

CASE NO.: 2:21-MJ-00922-VCF

ORDER TO CONTINUE TRIAL

FINDINGS OF FACT

Based on the pending Stipulations of the parties, and good cause appearing therefore, the Court finds that:

1. Counsel for the Defendant needs additional time to prepare for trial in the case, including conducting legal research and review of the discovery. The Parties also need additional time to continue exploring full resolution of the matter without going to trial;
2. The parties are close to resolution, and the Defendant has relocated to Tennessee. The parties are exploring a remote appearance option for the resolution of this matter.
3. Defendant DEAN is not in custody and does not object to the continuance;
4. All parties involved agree to the continuance;
5. This is the fifth request for a continuance filed herein;
6. Denial of this request for continuance would result in a miscarriage of justice.
7. This request for a continuance is made in good faith and is not intended to delay the proceedings in this matter.

- 1 8. The additional time requested by this stipulation is excludable in computing the time
2 within which the trial herein must commence pursuant to the Speedy Trial Act, 18
3 U.S.C. §§ 3161(h)(7)(A), when considering the factors under 18 U.S.C. §§
4 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

5 **CONCLUSIONS OF LAW**

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7 1. The ends of justice served by granting said continuance outweigh the best interest of
8 the public and the defendant in a speedy trial, since the failure to grant said continuance
9 would be likely to result in a miscarriage of justice, would deny the parties herein
10 sufficient time and the opportunity within which to be able to effectively and
11 thoroughly prepare for trial, taking into account the exercise of due diligence.
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13 2. This request for a continuance is made in good faith and is not intended to delay the
14 proceedings in this matter.
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16 3. The additional time requested by this stipulation is excludable in computing the time
17 within which the trial herein must commence pursuant to the Speedy Trial Act, 18
18 U.S.C. §§ 3161(h)(7)(A), when considering the factors under 18 U.S.C. §§
19 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).
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21 4. For all the above-stated reasons, the ends of justice would be best served by a
22 continuance of the trial date.

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ORDER

IT IS ORDERED that the trial scheduled for December 21, 2022, at 9:00 a.m., be continued. IT IS FURTHER ORDERED that the Trial in this matter be scheduled for the 25th day of January , 2023 at 9:00 am in LV Courtroom 3D before Magistrate Judge Cam Ferenbach.

DATED this 20th day of December, 2022.



UNITED STATES MAGISTRATE JUDGE